GREENSVILLE COUNTY BOARD OF SUPERVISORS AGENDA – MONDAY, AUGUST 19, 2019 5:00 P.M. – CLOSED SESSION 6:00 P.M. - REGULAR SESSION

ITEM NO.	DESCRIPTION											
I.	CALL TO ORDER - 5:00 P.M.											
II.	<u>CLOSED SESSION</u> - Section 2.2-3711 (a) 1) Personnel, 3 Acquisition/Disposition of Real Property, and 7) Legal Matters											
	A. Personnel Matters											
	B. Acquisition/Disposition of Real Property Matters											
	C. Legal Matters											
III.	RETURN TO REGULAR SESSION											
IV.	CERTIFICATION OF CLOSED MEETING - Resolution #20-19											
V.	PLEDGE OF ALLEGIANCE AND INVOCATION											
VI.	APPROVAL OF AGENDA											
VII.	APPROVAL OF CONSENT AGENDA											
	A. Approval of Minutes – See Attachments – \underline{F} .											
	B. Budgetary Matters – See Attachment – <u>G.</u>											
	C. Warrants – See Attachment – <u>H.</u>											
	D. Resolution#20-22 - Personnel Matters Resulting from Closed Session											
VIII.	PUBLIC HEARING - None											
XI.	ITEMS WITH APPOINTMENTS - None											
XII.	CITIZENS COMMENTS											

XIII. <u>OTHER MATTERS</u>

A. Comprehensive Plan and Zoning Ordinance Amendments/Utility Scale Solar - See Attachment $-\underline{I}$.

XIV. <u>ADJOURNMENT</u>

At the Regular Meeting, held on Monday, August 5, 2019, with Closed Session being held at 5:00 P.M. and Regular Session being held at 6:00 P.M., in the Board Room of the Greensville County Government Building, 1781 Greensville County Circle, Emporia, Virginia.

Present:

Michael W. Ferguson, Chairman

Raymond L. Bryant, Jr., Vice-Chairman

Tony M. Conwell William B. Cain

Chairman Ferguson called the meeting to order at 5:00 P.M.

In Re: Closed Session

Mrs. Parson, County Administrator, stated that Staff recommended the Board go into Closed Session, Section 2.2-3711 (a) 1) Personnel, 3) Acquisition/Disposition of Real Property, 5) Business and/or Industry and 7) Legal Matters.

Supervisor Bryant moved, seconded by Supervisor Conwell, to go into Closed Session, as recommended by Staff. Voting aye: Supervisors Bryant, Cain, Conwell and Chairman Ferguson.

In Re: Regular Session

Mrs. Parson stated that Staff recommended the Board of Supervisors return to Regular Session.

Supervisor Bryant moved, seconded by Supervisor Conwell, to go into Regular Session. Voting aye: Supervisors Bryant, Cain, Conwell, and Chairman Ferguson.

In Re: Certification of Closed Meeting – Resolution #20-09

Supervisor Bryant moved, seconded by Supervisor Conwell, to adopt the following Resolution. A roll call vote was taken, as follows: Supervisor Bryant, aye; Supervisor Cain, aye; Supervisor Conwell, aye and Chairman Ferguson, aye.

RESOLUTION #20-09 CERTIFICATION OF CLOSED MEETING WHEREAS, the Greensville County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provision of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by the Greensville County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law:

NOW, THEREFORE, BE IT RESOLVED that the Greensville County Board of Supervisors hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Greensville County Board of Supervisors.

In Re: Approval of Agenda

Mrs. Parson stated that Staff recommended the Board of Supervisors approve the Agenda with one added item. Resolution #20-17 regarding the right-of-way and easements for road improvements on the Otterdam Road Project.

Supervisor Bryant moved, seconded by Supervisor Conwell, to approve the agenda as amended. Voting aye: Supervisors Bryant, Cain, Conwell and Chairman Ferguson.

In Re: Consent Agenda

Mrs. Parson stated that Staff recommended approval of the Consent Agenda consisting of the following: Supervisor Bryant moved, seconded by Supervisor Conwell, to approve the Consent Agenda. Voting aye: Supervisors Bryant, Cain, Conwell and Chairman Ferguson.

Minutes of July 15, 2019.

Budgetary Matters consisting of the following: Fund #001 – Journal Voucher #6, in the amount of \$40,318; Fund #010 – Re-Appropriations Resolution #20-10, in the amount of \$123,037.49; Fund #012 - Re-Appropriations Resolution #20-11, in the amount of \$157,961.41; Fund #018 – Re-Appropriations Resolution #20-12, in the amount of \$68,764.34; Fund #075 – Re-Appropriations Resolution #20-13, in the amount of \$2,147,833 and Re-Appropriations

Resolution #20-14, in the amount of \$2,960,980, all of which are incorporated herein by reference.

Warrants:

Approval of Accounts Payable for August 5, 2019, in the amount of, \$632,140.29

Approval of Payroll for July 31, 2019, in the amount of, \$478,467.59

In Re: Public Hearing

Mrs. Parson stated that Staff recommended the Board of Supervisors go into Public Hearing to solicit public comments regarding Authorization of Condemnation for Public Use and to Enter and Acquire Property and Easement Affecting Portions of Real Property Situate in Belfield Magisterial District and Fronting on Otterdam Road (State Route 614).

Supervisor Bryant moved, seconded by Supervisor Conwell, to go into Public Hearing. Voting aye: Supervisors Bryant, Cain, Conwell and Chairman Ferguson.

In Re: Authorization of Condemnation for Public Use and to Enter and Acquire Property and Easement Affecting Portions of Real Property Situate in Belfield Magisterial District and Fronting on Otterdam Road (State Route 614).

Mr. Lin Pope, Planning Director, addressed the Board of Supervisors stating that one family owned 2 parcels, 11-26A and 11-26L located along Otterdam Road in the project area. He stated that the owner of the property died intestate. He also stated that Staff had only been able to find 17 of the heirs and due to time constraints regarding the project, Staff had decided to go with the condemnation process on the two properties. Mr. Pope stated that Staff was seeking approval of Resolution #20-15.

Chairman Ferguson asked if anyone was present who wished to speak in favor of or in opposition of the condemnation process. There were none.

In Re: Return to Regular Session

Mrs. Parson stated that Staff recommended the Board of Supervisors return to Regular Session.

Supervisor Conwell moved, seconded by Supervisor Bryant, to return to Regular Session. Voting aye: Supervisors Bryant, Cain, Conwell and Chairman Ferguson.

In Re: Resolution #20-15 - Authorization of Condemnation for Public Use and to Enter and Acquire Property and Easement Affecting Portions of Real Property Situate in Belfield Magisterial District and Fronting on Otterdam Road (State Route 614).

Mr. Pope requested that the Board of Supervisors approve the following Resolution.

RESOLUTION #20-15 OF THE BOARD OF SUPERVISORS OF GREENSVILLE COUNTY, VIRGINIA, ON BEHALF OF GREENSVILLE COUNTY, VIRGINIA, TO AUTHORIZE CONDEMNATION FOR PUBLIC USE AND TO ENTER AND ACQUIRE PROPERTY AND EASEMENT AFFECTING PORTIONS OF REAL PROPERTY SITUATE IN BELFIELD MAGISTERIAL DISTRICT AND FRONTING ON OTTERDAM ROAD (State Route 614)

RECITALS:

WHEREAS, Otterdam Road is being expanded, improved and realigned to serve public purposes (the "Project").

WHEREAS, the expansion, improvement and realignment of Otterdam Road requires Greensville County (the "County") to acquire real property in fee simple, and easements traversing real property, part of which the County has already acquired.

WHEREAS, the Project is necessary for the public health, safety, peace, good order, comfort, convenience and welfare of the County and its citizens.

WHEREAS, the additional property interests required for the project are described as follows (the "Property Rights"):

- 1. TM 11-26A: Fee simple acquisition of 0.32 acre and a temporary construction easement of 0.07 acre.
- 2. TM-26L: Fee simple acquisition of 0.11 acre and a temporary construction easement of 0.02 acre.

See plats attached hereto as Exhibit A and made a part of this Resolution

WHEREAS, despite diligent efforts to determine all owners of interests in the properties affected by the Property Rights, and to secure addresses or other contact information for those owners, the County has been unable to secure sufficient information, and in addition, County research revealed that there are many owners of undivided interests in the property affected by the Property Rights. The following persons may have an interest in the properties identified above. See Exhibit B attached hereto and made a part of this Resolution.

WHEREAS, based on tax assessment and other objective evidence, the County offers the following sums as compensation and/or damages, if any, for the Property Rights taken:

1. TM 11-26A \$3,900.00 2. TM 11-26L \$1,300.00

WHEREAS, the Property Rights are necessary for the development of a public road, and the County is authorized to condemn property interests for public road construction by Va. Code Ann. §§ 15.2-1901.1 and 15.2-1902(1) and to institute and conduct condemnation proceedings under Chapter 3 of Title 25.1 of the Code of Virginia the following adoption of a resolution after conducting a public hearing meeting the requirements of Va. Code Ann. §§ 15.2-1902, 15.2-1904. A and 15.2-1905. C.

WHEREAS, after proper publication of notice, a public hearing was conducted to consider the adoption of this Resolution.

NOW, THEREFORE, be it Resolved, by the Board of Supervisors of Greensville County, Virginia, (the "Board"), as follows:

- A. This Resolution incorporates the Recitals stated above.
- B. The Board declares its intent to enter and take the Property Rights as necessary for the purpose of expanding, realigning and improving a public road, namely Otterdam Road (State Route 614), prior to the conclusion of condemnation proceedings instituted under Va. Code Ann. §§ 15.2-1905.C. and 25.1-300, et seq., and for all other purposes incidental thereto.
- C. The Project is subject to specific financing and other scheduling requirements. The County must be able to enter and take the Property Rights prior to completing condemnation proceedings because financing and other scheduling requirements require the County to proceed with the Project earlier than said condemnation proceedings can be completed.

D. Based on the County's valuation of the Property Rights, and determination of any damages to the remainder of the parcels from which the Property Rights are taken, the Board concludes that the Property Rights have the following values as just compensation and/or damages, and the Board offers the following sums for the Property Rights taken:

1. TM 11-26A \$3,900.00 2. TM 11-26L \$1,300.0

- E. Despite making diligent efforts to determine all owners of interests in the properties affected by the Property Rights, and to secure addresses or other contact information for those owners, the County has been unable to secure sufficient information, and in addition, County research revealed that there are many owners of undivided interests in the properties affected by the Property Rights and their respective percentage interests cannot be determined.
- F. The County has therefore been unable to make a bona fide effort to purchase the Property Rights and compliance with Va. Code Ann. § 25.1-204 is not required.
- G. The Board approves the condemnation and acquisition of the Property Rights which are necessary and incidental for the expansion, realignment and improvement of a roadway for public use as authorized by Va. Code Ann. §§ 15.2-1902 and 15.2-1904.A.
- H. The Board certifies that these acquisitions have been reviewed by the County for purposes of complying with Va. Code Ann. § 1-219.1.
- I. The Board directs the County Attorney or his designee, and, to the extent necessary, the Chairman or Vice Chairman of the Board, or the County Administrator, to complete the procedure and prepare and execute any necessary documents, in order to acquire the Property Rights, including a certificate of take and depositing the aforesaid offer amounts in the Greensville County Circuit Court, filing a condemnation petition to initiate the condemnation action in the Board's name and any other necessary actions in accordance with the procedures of Chapter 3 of Title 25.1 of the Code of Virginia and other applicable provisions of Title 25.1.
- J. This Resolution shall be effective upon its adoption.

Supervisor Conwell moved, seconded by Supervisor Bryant, to approve Resolution #20-15. Voting aye: Supervisors Bryant, Cain, Conwell and Chairman Ferguson.

In Re: Road Matters - Mr. Jerry Kee, Assistant Residency Administrator, with VDOT

Mr. Kee addressed the Board stating that numerous items were brought up last month and his Staff had addressed about 80% of the items thus far. He then reported on the following:

Otterdam Road - Request for mowing and litter pick-up. The contractors had added these items to the contract.

Beaver Dam on Route 730 - Removed and the beavers have not returned, as of yet.

Moonlight Road - On schedule to be completed within the next couple of weeks.

<u>Pipe Replacement in the Hilltop Area</u> – Replacement of the pipe had been completed. However, asphalt work is necessary and would be done within the next week or so.

<u>Dips on Roads</u> – VDOT checked the pipe and it was not the issue but rather a settlement issue in the grade. Therefore, repair to the asphalt had been scheduled and should help with this issue.

<u>Doyle's Lake</u> – There was a problem with the pipe at the entrance so Staff called missutility and they marked the entrance. However, they did not mark enough of the project area. Therefore, miss-utility would remark the area and the project would be completed within the next week or so.

<u>Sunnyside Lane and Brickyard Road</u> — Due to a pipe failure, a temporary pipe was installed. However, a permanent pipe was scheduled to be installed soon.

<u>Jarratt Avenue</u> – This had been an issue for the past couple of years. VDOT is waiting on its contractor to provide a schedule for paving. Hopefully, the project would begin next month.

<u>I-95 between Greensville County and Sussex County</u> – Waiting on contractor to begin paving.

<u>Maintenance on the 13 Bridges</u> – With the exception of a few punch list items and the continued work on the 301 bridge at the Sussex line, all other bridgework had been completed.

<u>I-95</u> –99% completed with a few punch list items remaining.

<u>Liberty Road Study</u> – Ordered the signs and they should be put up within the next couple of weeks.

<u>Chambliss Road</u> – In process. A speed study was being conducted.

 $\underline{\text{Moores Ferry Road}}$ – A speed study was being conducted. This should take another 30 days before receiving the final report.

Supervisor Cain stated that the Crescent Road residents had stated there was no grass cutting the entire year in the area. He also inquired about the Low Ground Road ditches being maintained regularly. He further stated that the ditch down by Mr. Foster really needed some maintenance. Mr. Kee stated that the County needed to maintain the outfall ditches first on the opposite side.

Supervisor Cain stated that Horton Road, Slagles Lake Road and the Purdy Road ditches needed to be maintained.

Chairman Ferguson inquired if the protocol had been changed regarding the equipment that could be used to clean the ditches. Mr. Kee stated that they had just received a new truck to hall the stuff away once the ditches were clean.

Supervisor Bryant stated that he had a long list regarding the Low Ground Road but would like to ride out with Mr. Catlett and show him.

Chairman Ferguson asked that Mr. Kee refresh the Board's memory regarding what could be done, with the Board of Supervisors' help, regarding the outfall ditches. Mr. Kee stated that VDOT could do something if they were damaging the highway. He also stated that if water was standing in the road, VDOT needed to address the issue. Mr. Kee also stated that VDOT may need to clip the shoulders if the pavement was above the asphalt. He then stated that VDOT was making a list.

Supervisor Conwell inquired whether there would be side trimming to some of the roads. Mr. Kee stated yes, that limbs would be cut back and removed but he could not say which roads were on the list at this time.

Chairman Ferguson asked about the status of Independence Church Road. Mr. Kee stated that he understood VDOT had the approval for the project. However, VDOT was finalizing the project proposal. He stated that he did not know the ad date at this time.

Chairman Ferguson asked if there were any more questions or comments. There were none.

In Re: Mrs. Pamela Lifsey, Treasurer

Mrs. Lifsey, Treasurer, addressed the Board of Supervisors and presented the 2018 Real Estate and Personal Property taxes. She requested approval to publish the list in the local newspaper. She also stated that the list would be updated as people paid to remove their names if they paid prior to publication. Mrs. Lifsey stated that the collection rate was higher this year than it had been in some time. She stated that the rate was at 98%.

Supervisor Conwell moved, seconded by Supervisor Bryant, to approve Mrs. Lifsey's request. Voting aye: Supervisors Bryant, Cain, Conwell and Chairman Ferguson.

In Re: Citizens Comments

Mrs. Parson addressed the public stating that anyone wishing to address the Board of Supervisors to please come forward and state their name for the record.

Mr. Otto Wachsmann, a Pharmacist from Stony Creek, VA, addressed the Board of Supervisors stating that he was a resident of Sussex County. He stated that he would be running for the House of Delegates in the General Assembly for the 75th District. He then stated that if there was anything he could do for the citizens of Greensville County or if there was anything that the Board of Supervisors needed, it could be relayed to him as he pursued this seat. Mr. Wachsmann then stated that he would be happy to meet and discuss any comments and/or issues.

In Re: Purchase of Landfill Equipment

Mr. Lynn Parker, Landfill Supervisor, addressed the Board of Supervisors stating that Staff was trying to replace the 816B Trash Compactor. He stated that this piece of equipment had been in service at the landfill since 1988 and had 21,000 hours of use. He further stated that with the Board's permission, Staff wanted to replace the equipment with a reconditioned 826G compactor from Carter Cat and Equipment. Mr. Parker stated that Staff had also researched the possibility of purchasing new models but new equipment would take 26 to 32 weeks for production. He stated that Staff was looking at the reconditioned 826G compactor mainly for price and availability of having the equipment delivered in six weeks for \$257,500. He also stated that an 826G new model with the same capabilities was currently \$776,000. He further stated that the model Staff wanted to purchase came with a 2 yr., 4,000-hour manufactured warranty on drive train, power train and hydraulics. Mr. Parker stated that the landfill was in dire need of the piece of equipment as soon as possible. He stated that \$200,000 was in already in the budget for purchase of new piece of equipment as a down payment, so Staff was requesting the remaining \$57,500.

Supervisor Conwell moved, seconded by Supervisor Bryant, to approve the purchase of the reconditioned 826G compactor. Voting aye: Supervisors Bryant, Cain, Conwell and Chairman Ferguson.

In Re: Resolution #20-17 - Right-of-way and Easements for Road Improvements on the Otterdam Road Project.

Mr. Pope stated that one of the easements, within the project area, had to be obtained from the Department of Corrections. He stated that the County was not able to obtain the property easement. He further stated that VDOT had retained the right-of-way and conservation easements; therefore, VDOT was going to procure the new right of way and permanent construction easement. Mr. Pope stated that the Department of Corrections was requesting approval of the following resolution stating that the property was being used to benefit the citizens of the County. Mr. Pope then asked for approval of the following Resolution.

In Re: Resolution #20-17 - Right-of-way and Easements for Road Improvements on the Otterdam Road Project

WHEREAS, the Commonwealth of Virginia ("Commonwealth") owns property situate in Belfield Magisterial District, Greensville County, Virginia, identified on the Greensville County Tax Maps as T.M.S. 12-19 ("Property"), the westernmost boundary of which Property is the centerline of Otterdam Road;

WHEREAS, the Property is subject to a Declaration of Restrictive Covenants and Designation of Open-Space Land dated November 15, 2013 ("Declaration"); and

WHEREAS, Greensville County, Virginia ("County") is improving Otterdam Road and for that purpose needs to acquire the Property in fee simple, and needs to acquire permanent utility easements and temporary construction easements; and

WHEREAS, the Commonwealth has agreed to convey to County the property interests described below, which property interests will be used by County in the improvement of Otterdam Road.

WHEREAS, in order to adhere to the terms of the Declaration, the Commonwealth will substitute additional land pursuant to the conversion or diversion statute codified in the Code of Virginia § 10.1-1704, as amended.

IT IS, ACCORDINGLY, HEREBY RESOLVED by the Board of Supervisors ("Board") of Greensville County, Virginia, as follows:

- 1. The conversion or diversion is hereby determined to be essential to the orderly development and growth of the County.
- 2. The conversion or diversion is hereby determined to be in accordance with the County's official Comprehensive Plan in effect at the time of the conversion or diversion.

- 3. The Board hereby states that it will accept title to the Property being granted by the Commonwealth to the County.
- 4. The Board acknowledges that the Property to be conveyed to it is shown on a plat thereof made by James T. Bradley, LS, dated May 17, 2019, identified as "Sheet 3 of 5" of a five-sheet plat recorded in the Clerk's Office of the Circuit Court for Greensville County, Virginia, as Instrument Number 190000666, on which plat the Property being acquired is designated as "R/W Acquisition = 1.31 AC", "10' Temporary Construction Easement 0.15 AC", and "Temporary Construction Easement 0.11 Acres".

Supervisor Bryant moved, seconded by Supervisor Conwell, to approve Resolution #20-17. A roll call vote was taken as follows: Supervisor Bryant, aye; Supervisor Cain, aye; Supervisor Conwell, aye and Chairman Ferguson, aye.

In Re: Miscellaneous Matters

Mrs. Parson stated that located in the Friday Memo were the Staff Meeting Minutes and Departmental Reports for the Board's review and comments.

Chairman Ferguson asked if there were any questions.

Supervisor Bryant stated that he would like to see the Broadband and Cellular status added back to the program.

Adjournment

With there being no further business to discuss, Supervisor Bryant moved, seconded by Supervisor Conwell, to adjourn the meeting. Voting aye: Supervisors Bryant, Cain, Conwell, and Chairman Ferguson.

Michael W. Ferguson, Chairman

Brenda N. Parson, Clerk

COUNTY OF GREENSVILLE

Fund #	1	VOUCHER	JV#	9
Fully #	1	1000.12.1	UVM	

ACCOUNT	AMOUNT	ACCOUNT	AMOUNT
31100 Highway Safety Enforcement 1200 Salaries: Overtime	175.00	31100 Highway Safety Enforcement 1100 Salaries: Regular	175.00
TOTAL	175.00	TOTAL	175.00
	EXPLANA		
Transfer expense from regular salar	ies to overtim	ne salaries.	
Sarah Thompson 08/13/19			
Prepared By Date		Approved By	Date
	Posted By	Date	

RESOLUTION # 20-20

FY 2019 BUDGET AMENDMENT

BE IT RESOLVED by the Greensville County Water & Sewer Authority that the following amendment be and hereby is made for the period of October 1, 2018 through September 30, 2019.

FUND # 001

FUND # 001											
REVENUE											
3-001-11000 0120	3-001-11000 OPERATING REVENUES - WATER										
EXPENDITURE											
4-001-25000 5873	\$30,410.00										
Raymond L. Bryant, Jr., Chairman Greensville County Water & Sewer											
ATTEST:											
Denise Banks, Clerk Greensville County Water & Sewer Authority											
Adopted this	day of, 2019.										

COUNTY OF GREENSVILLE

Fund # 075 and 001

VOUCHER

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3140 Engineering 541,850.00 3140 Engineering 541, 3143 Construction 1,357,274.00 3143 Construction 1,357, 274.00 5815 Property Acquisition 300,500.00 300,500.00 5920 Contingency 20% 271, 4850.00 271, 4850.00 300,500.00 300		ACCOUNT	AMOUNT		ACCOUNT	OUNT AMOUNT			
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75-93100 Transfers 9001 Transfer funds from GF 542,317.00 9201 Transfer to Local Capital 1-32010 Grants 1,213,700.00 66 VDOT Revenue Sharing 32,569.00 65 VDOT SSYP 32,511.00 67 TIC 902,511.00 TOTAL \$5,382,194.00 TOTAL \$5,382,1	9202	Contingency 20%	271,455.00	9202	Contingency 20%	271,455.00			
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TOTAL \$5,382,194.00 TOTAL \$5,382 EXPLANATION To transfer budgeted funds from Fund 075 to Fund 001	34	VDOT SSYP	32,569.00	65	VDOT SSYP	32,569.00			
EXPLANATION To transfer budgeted funds from Fund 075 to Fund 001	35	TIC	902,511.00	67	TIC	902,511.00			
EXPLANATION To transfer budgeted funds from Fund 075 to Fund 001									
To transfer budgeted funds from Fund 075 to Fund 001		TOTAL	\$5,382,194.00)	TOTAL	\$5,382,194.0			
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Alica Mileithur 09/03/3040									
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	Nice White								
Prepared By Date Approved By Date	Prepared I	By Date		Approve	ed By	Date			
Posted By Date			Posted By		-	Date			

RESOLUTION # 20-21

FY 19-20 BUDGET AMENDMENT

BE IT RESOLVED by the Greensville County Board of Supervisors that the following budget amendments be and hereby are made for the period of July 1, 2019 through June 30, 2020.

FU	JND # 018	
REVENUE		
3-018-18990 Miscellaneou 0040 Probation Fed		\$3,468.98
EXPENDITURE		
4-018-33600 Probation Fed 9357 Probation Fed		\$3,468.98
	ichael W. Ferguson, Cha eensville County Board	
ATTEST:		
Denise Banks, Clerk Greensville County Board of Supe	ervisors	
Adopted thisday of		

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FRUN DATE- 8/19/2019 TO DATE- 8/19/2019 **GENERAL FUND REVENUES**	CHARGE TO		** MISCELLGMEDUS ** 5365 CORMUNITY SUPPURI			*BBARD UF SUPERVISBRS* 6357 ADVERTISING	TELECOMMUNICATIONS	UFFICE SUPPLIES			*EXECUTIVE ADMINISTRATION» 8399 PROFES. SERVICES: TINE CLUCK	UFFICE SUPPLIES UFFICE SUPPLIES			*CUNNISSIDNER OF REVERUE* TRAVEL & TRAINING TRAVEL & TRAINING			*RE-ASSESSMENT* CONTRACTUAL SERVICES		*TREASURER* PBSTAL SERVICES
9/13/2019 8P375 FURD # - 001 **CENERAL	UENDOR MENE		er Denchkark curd bank \$6365			*1 Serchark com brr \$6357	TELFASE, INC.	GUILL CURPURATION C. W. HANTHER			84584 HAAA COMB BARK \$45599	RUILL CORPORATION RUILL CORPORATION			Hartha S. Suerson Hartha S. Swenson			PEARSDN'S APPRAISAL		BAS BIRECT CORPORY

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8/13/2019 FRBM DATE- 8/19/20: 8F375 TU DATE- 8/19/20: FUND # - 001 **6E%ERAL FUND EXFENDITURES**	VERDIR RAME		*CONN THYSSEAKKUPP ELEVATOR CORF	CITY OF EMPORIA	FITHEY DONES	SBUTHSIDE RESIDNAL JAIL	PATRICIA T. MATROM CHRISTOPHEN DANIELS PHILLIF J. NICHOLS, JR.	GUILL CORPORATION QUILL CORPORATION ACTIONAL AND ACTET	BERCHINK CORN BANK \$0357 RENCHRARK CORN BANK \$6357 BENCHRARK CORN BANK \$6357 RENCHRARK CORN BANK \$6357			RLAH Verizar: 911 Charges Atri	GREN FORD INC O'REERY'S SER. CENTER INC O'REERY'S SER CENTER INC GREEKE'S SERVICE CENTER GREEKE'S SERVICE CENTER	VERIZON: 911 CHARGES VERIZON HINGLESS BCN TELESON, INC.	RICOH ANERICAS CORF	DERCHARR COM DAKK \$6381 Derchark com dakk \$6381 Dercharr com bakk \$6381	
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LE LIST KSVILLE KGALL**	INUBICE D	- 033300 sjuvenile probations	1796	- 034100 *BUILDING INSPECTIONS*	83272258	3447154 GREENE'S 07/38	10781	- 035100 *ANIMAL CONTROL*	1814063432 8819	9835285934	218853	3447156	TOTAL	- 035600 XENERDENCY NANAGEMENTX	9835265934	3447153	TUTAL	- O41250 *HIGHUAY & STREET LIGHTIRE*	3888603700 0819 9358239813 0719	TOTAL
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8/13/2019 FRBM DATE- 9/19/201 8P375 TO DATE- 8/19/205 FBMD \$ ~ 001 **SERERAL FUND EXPENDITURES**		VENDUR NATE		SAT WASHERDY ITE BROKES	contro de com mos, enc.	CARACA ULL CAMPANI) 100.	CHAIL M FRMS OCHVICL CHAILMAN OCHMITON CHAITEN	POTENT O OTHATPE PENILEN	STOCKED OF SUR OF CHIRD	navinum reimi ve vous	DESTRICTED SPERCY UTRAINING	4 14 11 4 11 4 11 4 11 11 11 11 11 11 11	ATHREA TO WITE	CTIV NE EMPREE	THE PERSON			HERTZER STREET FOR	SAL SECTION OF ACT	CRANTE TELEVIES, THE.	CHEST CECCOMINOSACITA	かって ひには はいいし からけいけん	cinias ciniarias	Circles Cool and Cool	VINTER CONT. MARK	OME WINDOWS NAME OF THE	CARL BOLL COLLECT	TOTAL A LOUN CREATER	FORK & LAKK SERVICE	FARM & LAWN SERVICE	FARM & LAWN SERVICE	BARTILY MITTE PRETS	A THE POTT OF THE POTTS	732 75 37 10 10 10 10 10 10 10 10 10 10 10 10 10	STREET STREET STREET STREET STREET	CONCURSO COM COM STATA	CONTRACT CONTRACTOR SOLD	STREETHOOD CHAN SONS MANUS	DENGHARAN CHAN FORM ZOLL	Jak BJ (III Supe distress	carries and a trace	-

DEPT § - 043400 *GREEKSVILLE COURTY GOVERHKENT CTR*

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8/13/2019

COUNTY OF GREENSVILLE BUILDING & PLANNING DEPARTMENT

TO:

Greensville County Board of Supervisors

FROM:

Lin Pope, Planning Director

RE:

Comp Plan and Zoning Ordinance Amendments/Utility Scale Solar

DATE:

August 14, 2019

On Tuesday, August 13 the Greensville County Board of Supervisors and the Greensville County Planning Commission participated in a joint work session to discuss proposed updates to the Comprehensive Plan and the Zoning Ordinance as they relate to utility scale solar facilities. The proposed comp plan amendments and zoning ordinance changes were developed by the Berkley Group as a result of the joint work session that was held in May in which the county solicited public comments.

Moving forward the Board has several options:

Option 1:

The Board of Supervisors can initiate comprehensive plan and zoning text amendments consistent with the solar energy materials being submitted as a result of the August 13 joint work session. The Board can schedule and advertise a joint public hearing on September 2, 2019 to consider the proposed amendments.

Option 2:

The Board of Supervisors can forward the draft changes to the Planning Commission for their consideration and recommendation to the Board. The Board may request the Planning Commission schedule a public hearing to receive public input, discuss and make recommendations on the proposed amendments at their earliest possible meeting, or special meeting in September.

**See Attachment "A" for Sample Motions

Should the Board choose Option 1 above, the Board must reach a consensus on the metrics that will be utilized to develop the comprehensive plan and zoning ordinance updates. Attachment "B" contains a draft list of the metrics that can be incorporated into the comp plan and zoning ordinance amendments.

The Board also has the option (Option 2) to forward this task to the Planning Commission and ask the Planning Commission to make a recommendation to the Board.

The proposed Comp Plan recommendations (Attachment "C"), the proposed Zoning Ordinance recommendations (Attachment "D") and the proposed new Solar Facility Article to the Zoning Ordinance (Attachment "E") are attached.

Staff Recommendation

Staff recommends that the Board forward the draft changes to the Comp Plan and Zoning Ordinance to the Planning Commission, and request that the Planning Commission solicit public comment, discuss and make a recommendation on the proposed amendments at their regularly scheduled meeting in September.

LEP Jr./tcp

Attachments

The Berkley Group August 14, 2019

Possible Board Motions to Initiate Solar Comp Plan and Zoning Text Amendments

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I move that the Board of Supervisors initiate comprehensive plan and zoning text amendments consistent with the solar energy materials submitted to the Board as a result of the August 13th joint work session. Further, I move that the Board schedule and advertise a joint public hearing on September _____, 2019 to consider the proposed amendments.

Option 2:

I move that the Board of Supervisors forward the solar energy materials submitted to the Board as a result of the August 13th joint work session to the Planning Commission for their consideration and recommendations to the Board. Further, the Board requests the Planning Commission schedule a public hearing to receive public input, discuss and make recommendations on the proposed amendments at their earliest possible meeting, or a special meeting, in September.

2019 **Utility-scale Solar Facility Policy Options**

Topic	Comprehensive Plan (policy guide)	Zoning Ordinance (regulation)
Project Size	<= 1000 ac	-
PV coverage	<= 65%	
Outside growth areas	yes	<u> </u>
Distance from city, town, villages	> 1 mi	
Distance from other solar projects	> 2 mi	
Distance from transmission lines	< 1 mi	-
Preferred land use locations	Brownfields, near industrial areas	

2019

Comprehensive Plan Recommendations

➤ GREENSVILLE COUNTY TODAY

ECONOMIC & BUSINESS ENVIRONMENT

Add after the first paragraph:

Utility-Scale Solar Facilities greater than 1 MW_{AC} are one of Greensville County's newest industrial scale land uses, with interest throughout the County. Greensville's agricultural land combined with its electrical infrastructure and transportation system, appear to be attractive to the solar industry. The potential impacts of a solar facility must be carefully considered because of the size and scale of the use; the potential conversion of land to an industrial scale use, with few permanent jobs, that was productive agricultural/forestal land or potential residential, commercial, or industrial land; and the potential impact on nearby properties and the character of the area in general.

PLANNING ISSUES & STRATEGIES

LOCAL PRODUCTION OF RENEWABLE ENERGY

Revise to read as follows:

1) There is interest in the construction of Utility-Scale Solar Facilities in the County as a result for the quest to generate environmentally friendly energy.

STRATEGIES/POLICIES

- a. Utility-Scale Solar Facilities greater than 1 MW_{AC} may be acceptable in agricultural zoned districts.
- b. A Decommissioning Plan will be provided by the owner of Utility-Scale Solar Facilities to ensure to proper dismantling of the project.

2019

> THE LAND USE PLAN

RECOMMENDED LAND USE CATEGORIES

COMMERCIAL USES

Add a new section as follows:

UTILITY-SCALE SOLAR FACILITIES

A relatively new land use to Greensville County is the emergence of utility-scale solar facilities. These facilities can be an industrial-scale land use that may occupy significant acreage. As used in this Comprehensive Plan, a utility-scale solar facility is a facility that generates electricity from sunlight which will be used to provide electricity to a utility provider or a large private user with a generating capacity in excess of one megawatt (1 MW). Greensville's abundant agricultural and forest land combined with its electrical infrastructure and transportation system appear to be attractive to the solar industry. These facilities are an industrial scale land use that occupy significant acreage. Many utility-scale solar facilities are located on agricultural or forested land that may have had other future land use potential or land use designations.

The County will consider solar facilities on districts zoned agricultural, industrial, or commercial (based on project size) with preference for brownfields. The following site features should be addressed to mitigate the potential negative impacts of utility-scale solar facilities on County land use patterns as part of the evaluation of a Special Use Permit (SUP) application:

- 1) The total size shall be larger than two (2) acres and less than 1,000 acres with no more than 65% PV panel coverage;
- 2) Located outside growth areas;
- 3) Further than one (1) mile from any village, town, city boundary;
- 4) Further than two (2) miles from other existing or permitted solar facilities;
- 5) Within one (1) mile of electric transmission lines; and
- 6) Distance from residences; historic, cultural, recreational, or environmentallysensitive areas; and scenic viewsheds.

2019

Zoning Ordinance Recommendations

> ARTICLE 4. PERMITTED USES IN PRIMARY ZONING DISTRICTS

Delete these uses:

- Solar Energy Projects greater than 20 MW_{AC} in agricultural zoned districts (A-1) with SUP (p.4-4).
- Solar Energy Projects 20 MW_{AC} or less in industrial and commercial zoned districts (B-1, B-2, and M-1) with SUP (p.4-8).

> ARTICLE 12. SITE PLAN REQUIREMENTS, Sec. 12-2. When required

Add a new item at the end of the list in the first paragraph:

(g) solar facility projects.

> ARTICLE 23. DEFINITIONS

Delete the following definitions:

- 23-2-125.1 Solar Energy Project, greater than 20 MW_{AC}. An energy conversion system consisting of photovoltaic panels, support structures, and associated control, conversion, and transmission hardware, with a rated capacity greater than 20 MW_{AC}. (Amended December 5, 2016).
- 23-2-125.2 Solar Energy Project, 20 MW_{AC} or less: An energy conversion system consisting of photovoltaic panels, support structures, and associated control, conversion, and transmission hardware, with a rated capacity 20 MW_{AC} or less. (Amended December 5, 2016).

Add the following definitions:

- 23-2-9.2 Applicant means the person or entity who submits an application to the locality for a permit under this ordinance.
- 23-2-13.1 Brownfield means former industrial or commercial sites typically containing low levels of environmental pollution such as hazardous waste or industrial byproducts.
- 23-2-41.1 Disturbance zone means the area within the site directly impacted by construction and operation of the facility.
- 23-2-67.5 Integrated PV means photovoltaics incorporated into building materials, such as shingles.

- 23-2-95.1 Operator means the person responsible for the overall operation and management of a facility.
- 23-2-95.2 Owner means the person who owns all or a portion of a facility.
- 23-2-125.1a Solar facility, small-scale means a facility that either: (a) generates less than 15 kilowatts (kW) electricity from sunlight, consisting of one or more Photovoltaic (PV) systems and other appurtenant structures and facilities within the boundaries of the site; or (b) utilizes sunlight as an energy source to heat or cool buildings, heat or cool water, or produce electrical or mechanical power by means of any combination of collecting, transferring, or converting solar-generated energy; and (c) meets at least one of the following criteria: has a disturbance zone equal to or less than an acre; is mounted on or over a building, parking lot, or other previously disturbed area; or utilizes integrated PV only.
- 23-2-125.1b Solar facility, medium-scale means a facility that generates electricity from sunlight primarily to reduce onsite consumption of utility power for commercial and industrial applications. Sites are between one to three acres with a maximum capacity of 999 kW.
- 23-2-125.1c Solar facility, utility-scale means a facility that generates electricity from sunlight which will be used to provide electricity to a utility provider. Sites are generally over two acres and have a capacity in excess of one megawatt (1 MW).
- > Add new ARTICLE 24. SOLAR FACILITIES (see file).

ARTICLE 24

(new article)

SOLAR FACILITIES

Sec. 16-401 Statement of intent

The purpose of this section is to establish requirements for construction and operation of solar facilities and to provide standards for the placement, design, construction, monitoring, modification, and removal of solar facilities; address public safety, minimize impacts on scenic, natural, and historic resources; and provide adequate financial assurance for decommissioning.

Sec. 16-402 Applicability

This article shall apply to all solar facilities constructed after the effective date of this article, including any physical modifications to any existing solar facilities that materially alter the type, configuration, or size of such facilities or other equipment.

Sec. 16-403 Zoning districts

- (a) Small-scale solar facilities may be installed by-right in all zoning districts to provide electricity to individual structures; provided a site plan (as applicable) has been submitted to the zoning administrator for review and approval; all Federal, State and Local regulations have been followed; and the system is located upon the property or structure being served.
- (b) Medium-scale solar facilities may be installed by-right in commercial and industrial zoning districts to provide electricity to individual structures; provided a site plan (as applicable) has been submitted to the zoning administrator for review and approval; all Federal, State and Local regulations have been followed; and the system is located upon the property or structure being served.
- (c) Any commercial or industrial solar facility installed upon a roof top shall submit a site plan to the zoning administrator and an engineering study to the Building Official Office for review.
- (d) Utility-scale solar facilities shall be permitted by Supplemental Use Permit (SUP) only in the A-1 zoning district.
- (e) Utility-scale solar facilities should locate on brownfields or near existing industrial uses, where feasible.

Sec. 16-404 Applications and procedures

In addition to other requirements of the Greensville County Zoning Ordinance and Supplemental Use Permit requirements, applications for a utility-scale solar facility shall include the following information:

- (a) Pre-application meeting. Schedule a pre-application meeting with the zoning administrator to discuss the location, scale, and nature of the proposed use and what will be expected during that process.
- (b) Comprehensive Plan Review. A 2232 review by the County is required by the *Code of Virginia* (§15.2-2232) for utility-scale solar facilities. This Code provision provides for a review by the Planning Commission of public utility facility proposals to determine if their general or approximate location, character and extent are substantially in accord with the Comprehensive Plan or part thereof.
- (c) Supplemental Use Permit (SUP) application. A complete SUP application including:
 - 1. Documents demonstrating the ownership of the subject parcel(s).
 - 2. Proof that the applicant has authorization to act upon the owner's behalf.
 - 3. Identification of the intended utility company who will interconnect to the facility.
 - 4. List of all adjacent property owners, their tax map numbers, and addresses.
 - 5. A description of the current use and physical characteristics of the subject parcels.
 - 6. A description of the existing uses of nearby properties.
 - 7. A narrative identifying the applicant, owner or operator, and describing the proposed solar facility project, including an overview of the project and its location, approximate rated capacity of the solar facility project, the approximate number of panels, representative types, expected footprint of solar equipment to be constructed, and type and location of interconnection to electrical grid.
 - 8. Aerial imagery which shows the proposed location of the solar facility, fenced area, driveways, and interconnection to electrical grid with the closest distance to all adjacent property lines and dwellings along with main points of ingress/egress.
 - 9. Payment of the application fee and any additional review costs, advertising, or other required staff time.
- (d) Concept plan. A concept plan prepared by an engineer with a professional engineering license in the Commonwealth of Virginia, that shall include the following:
 - 1. A description of the subject parcels.
 - 2. Property lines and setback lines.
 - 3. Existing and proposed buildings and structures; including preliminary locations of the proposed solar panels and related equipment; the location of proposed fencing, driveways, internal roads, and structures; and the location of points of ingress/egress.
 - 4. The location and nature of proposed buffers and screening elements, including vegetative and constructed buffers.
 - 5. A grading plan.
 - 6. A landscaping maintenance plan.
 - 7. Existing and proposed access roads, drives, turnout locations, and parking.
 - 8. Location of substations, electrical cabling from the solar facility systems to the substations, ancillary equipment, buildings, and structures including those within any applicable setback.
 - 9. Fencing or other methods of ensuring public safety.

- 10. Fourteen sets (11"× 17" or larger), one reduced copy (8½"× 11") and one electronic copy of the concept plan, including elevations and landscape plans as required.
- 11. Additional information may be required as determined by the zoning administrator, such as a scaled elevation view of the property and other supporting drawings, photographs of the proposed site, photo or other realistic simulations or modeling of the proposed project from potentially sensitive locations as deemed necessary by the zoning administrator to assess the visual impact of the project, landscaping and screening plan, coverage map, and additional information that may be necessary for a technical review of the proposal.
- (e) Concept plan compliance. The facility shall be constructed and operated in substantial compliance with the approved Concept Plan, with allowances for changes required by the Virginia Department of Environmental Quality (DEQ) Permit by Rule (PBR) process.
- (f) Decommissioning plan. A detailed decommissioning plan, certified by an engineer, which shall include the following:
 - 1. The anticipated life of the project;
 - 2. The estimated decommissioning cost in current dollars;
 - 3. How the estimate was determined;
 - 4. The method of ensuring that funds will be available for decommissioning and removal;
 - 5. The method that the estimated decommissioning cost will be kept current; and
 - 6. The manner in which the project will be decommissioned and the site restored.

The applicant shall provide a cost estimate for the decommissioning of the facility that shall be prepared by a professional engineer or contractor who has expertise in the removal of the solar facility. The decommissioning cost estimate shall explicitly detail the cost and shall include a mechanism for calculating increased removal costs due to inflation and without any reduction for salvage value. This cost estimate shall be recalculated every five (5) years and the surety shall be updated accordingly.

- (g) A proposed method of providing appropriate escrow, surety or security for the cost of the decommissioning plan.
- (h) Traffic study submitted with application modelling the construction and decommissioning processes. County staff will review the study in cooperation with VDOT.
- (i) An estimated construction schedule.
- (j) Wetlands, waterways, and floodplains shall be inventoried, delineated, and avoided.
- (k) Environmental inventory and impact statement regarding any site and viewshed impacts, including direct and indirect impacts to national and state forests, national or state parks, wildlife management areas, conservation easements, recreational areas, or any known historic or cultural resources within three (3) miles of the proposed project.
- (I) A visual impact analysis demonstrating project siting and proposed mitigation, if necessary, so that the solar facility minimizes impact on the visual character of the County.

- 1. The applicant shall provide accurate, to scale, photographic simulations showing the relationship of the solar facility and its associated amenities and development to its surroundings. The photographic simulations shall show such views of solar structures from locations such as property lines and roadways, as deemed necessary by the County in order to assess the visual impact of the solar facility.
- 2. The total number of simulations and the perspectives from which they are prepared shall be established by the zoning administrator after the pre-application meeting.

Sec. 16-405 Neighborhood meeting

- (a) A public meeting shall be held prior to the public hearing with the Planning Commission to give the community an opportunity to hear from the applicant and ask questions regarding the proposed project.
 - 1. The applicant shall inform the zoning administrator's Office and adjacent property owners in writing of the date, time and location of the meeting, at least seven but no more than 14 days, in advance of the meeting date.
 - 2. The date, time and location of the meeting shall be advertised in the County's newspaper of record by the applicant, at least seven but no more than 14 days, in advance of the meeting date.
 - 3. The meeting shall be held within the County, at a location open to the general public with adequate parking and seating facilities which may accommodate persons with disabilities.
 - 4. The meeting shall give members of the public the opportunity to review application materials, ask questions of the applicant and provide feedback.
 - 5. The applicant shall provide to the zoning administrator summary of any input received from members of the public at the meeting.

Sec. 16-406 Minimum development standards

- (a) Provide an inventory of all solar facilities existing or proposed within a four (4) mile radius.
- (b) A utility-scale solar facility shall be constructed and maintained in substantial compliance with the approved concept plan.
- (c) The minimum setback from the fencing to all exterior property lines shall be 150 feet.
- (d) The maximum height of the lowest edge of the photovoltaic panels shall be 10 feet as measured from the finished grade. The maximum height of primary structures and accessory buildings shall be 15 feet as measured from the finished grade at the base of the structure to its highest point, including appurtenances. The Board of Supervisors may approve a greater height based upon the demonstration of a significant need where the impacts of increased height are mitigated.
- (e) The facilities, including fencing, shall be significantly screened from the ground-level view of adjacent properties by a buffer zone at least 100 feet wide that shall be landscaped with plant materials consisting of an evergreen and deciduous mix (as approved by County staff), except to the extent that existing vegetation or natural land forms on the site provide such

screening as determined by the zoning administrator. In the event, existing vegetation or land forms providing the screening are disturbed, new plantings shall be provided which accomplish the same. Opaque architectural fencing may be used to supplement other screening methods but shall not be the primary method.

- (f) The facilities shall be enclosed by security fencing on the interior of the buffer area (not to be seen by other properties) not less than seven (7) feet in height and topped with razor/barbed wire, as appropriate. A performance bond reflecting the costs of anticipated fence maintenance shall be posted and maintained. Failure to maintain the security fencing shall result in revocation of the SUP and the facility's decommissioning.
- (g) Ground cover on the site shall be native vegetation and maintained in accordance with the Landscaping Maintenance Plan in accordance with established performance measures. A performance bond reflecting the costs of anticipated landscaping maintenance shall be posted and maintained. Failure to maintain the landscaping shall result in revocation of the SUP and the facility's decommissioning. Incorporation of native plant species that require no pesticides, herbicides, and fertilizers or the use of pesticides and fertilizers with low toxicity, persistence, and bioavailability is recommended. The operator shall notify the County prior to application of pesticides and fertilizers. The County reserves the right to request soil and water testing.
- (h) The Applicant shall identify an access corridor for wildlife to navigate through the Solar Facility. The proposed wildlife corridor shall be shown on the site plan submitted to the County. Areas between fencing shall be kept open to allow for the movement of migratory animals and other wildlife.
- (i) The design of support buildings and related structures shall use materials, colors, textures, screening and landscaping that will blend the facilities to the natural setting and surrounding structures.
- (j) The owner or operator shall maintain the solar facility in good condition. Such maintenance shall include, but not be limited to, painting, structural integrity of the equipment and structures, as applicable, and maintenance of the buffer areas and landscaping. Site access shall be maintained to a level acceptable to the County. The project owner shall be responsible for the cost of maintaining the solar facility and access roads, and the cost of repairing damage to private roads occurring as a result of construction and operation.
- (k) A utility-scale solar facility shall be designed and maintained in compliance with standards contained in applicable local, state and federal building codes and regulations that were in force at the time of the permit approval.
- (l) A utility-scale solar facility shall comply with all permitting and other requirements of the Virginia Department of Environmental Quality.
- (m) The applicant shall provide proof of adequate liability insurance for a solar facility prior to beginning construction and before the issuance of a zoning or building permit to the zoning administrator.
- (n) Lighting fixtures as approved by the County shall be the minimum necessary for safety and/or security purposes to protect the night sky by facing downward and to minimize off-site glare. No facility shall produce glare that would constitute a nuisance to the public.

Any exceptions shall be enumerated on the Concept Plan and approved by the zoning administrator.

- (o) No signage of any type may be placed on the facility other than notices, warnings, and identification information required by law.
- (p) All facilities must meet or exceed the standards and regulations of the Federal Aviation Administration ("FAA"), State Corporation Commission ("SCC") or equivalent, and any other agency of the local, state or federal government with the authority to regulate such facilities that are in force at the time of the application.
- (q) Any other condition added by the Planning Commission or Board of Supervisors as part of a SUP approval.

Sec. 16-407 Decommissioning

The following requirements shall be met:

- (a) Solar facilities which have reached the end of their useful life or have not been in active and continuous service for a period of one (1) year shall be removed at the owner's or operator's expense, except if the project is being repowered or a force majeure event has or is occurring requiring longer repairs; however, the County may require evidentiary support that a longer repair period is necessary.
- (b) The owner or operator shall notify the zoning administrator by certified mail and in person of the proposed date of discontinued operations and plans for removal.
- (c) Decommissioning shall include removal of all solar electric systems, buildings, cabling, electrical components, security barriers, roads, foundations, pilings, and any other associated facilities, so that any agricultural ground upon which the facility and/or system was located is again tillable and suitable for agricultural or forestall uses. The site shall be graded and re-seeded to restore it to as natural a pre-development condition as possible or replanted with pine seedlings to stimulate pre-timber pre-development conditions as indicated on the Preliminary Site Plan. Any exception to site restoration, such as leaving access roads in place or seeding instead of planting seedlings must be requested by the land owner in writing, and this request must be approved by the Board of Supervisors (other conditions might be more beneficial or desirable at that time).
- (d) The site shall be re-graded and re-seeded or replanted within 12 months of removal of solar facilities. Re-grading and re-seeding or replanting shall be initiated within a six-month period of removal of equipment.
- (e) Decommissioning shall be performed in compliance with the approved decommissioning plan. The Board of Supervisors may approve any appropriate amendments to or modifications of the decommissioning plan.
- (f) Hazardous material from the property shall be disposed of in accordance with federal and state law.

- (g) The estimated cost of decommissioning shall be guaranteed by the deposit of funds in an amount equal to the estimated cost in an escrow account at a federally insured financial institution approved by the County.
 - 1. The applicant shall deposit the required amount into the approved escrow account before any building permit is issued to allow construction of the solar facility.
 - 2. The escrow account agreement shall prohibit the release of the escrow funds without the written consent of the County. The County shall consent to the release of the escrow funds upon on the owner's or occupant's compliance with the approved decommissioning plan. The County may approve the partial release of escrow funds as portions of the approved decommissioning plan are performed.
 - 3. The amount of funds required to be deposited in the escrow account shall be the full amount of the estimated decommissioning cost without regard to the possibility of salvage value.
 - 4. The owner or occupant shall recalculate the estimated cost of decommissioning every five years. If the recalculated estimated cost of decommissioning exceeds the original estimated cost of decommissioning by ten percent (10%), then the owner or occupant shall deposit additional funds into the escrow account to meet the new cost estimate. If the recalculated estimated cost of decommissioning is less than ninety percent (90%) of the original estimated cost of decommissioning, then the County may approve reducing the amount of the escrow account to the recalculated estimate of decommissioning cost.
 - 5. The County may approve alternative methods to secure the availability of funds to pay for the decommissioning of a utility-scale solar facility, such as a performance bond, letter of credit, or other security approved by the County.
- (h) If the owner or operator of the solar facility fails to remove the installation in accordance with the requirements of this permit or within the proposed date of decommissioning, the County may collect the surety and the County or hired third party may enter the property to physically remove the installation.

Sec. 16-408 Coordination of local emergency services

Applicants for new solar facilities shall coordinate with the County's emergency services staff to provide materials, education and/or training to the departments serving the property with emergency services in how to safely respond to on-site emergencies.

Sec. 16-409 Conditions

- (a) The Board of Supervisors may consider conditions addressing a proposed solar facility, including, but not limited to, the following:
 - 1. A solar facility shall be constructed, maintained, and operated in substantial compliance with:
 - i. The development standards under this article.
 - ii. The approved concept plan.
 - iii. Any other conditions imposed pursuant to a Supplemental Use Permit.
 - 2. The Supplemental Use Permit may require the applicant to submit an erosion and sediment control plan for review by the County or by a qualified third party, however, the third party review shall not supersede any requirements imposed by state agencies. The applicant shall construct, maintain, and operate the solar facility in compliance with the approved plan.
 - 3. The Supplemental Use Permit may require the applicant to submit a stormwater management plan for review by the County or by a qualified third party. The applicant shall construct, maintain, and operate the solar facility in compliance with the approved plan.
 - 4. The applicant shall pay a supplemental application fee to cover the reasonable and actual cost of any review of the erosion and sediment control plan or the stormwater plan by a qualified third party.
 - 5. If the solar facility does not receive a building permit within eighteen (18) months of approval of the Supplemental Use Permit, the Permit shall be terminated.
 - 6. If the solar facility is declared to be unsafe by the zoning administrator or building official, the facility must be in compliance within fourteen (14) days or the Supplemental Use Permit shall be terminated, and system removed from the property.
 - 7. The owner and operator shall give the County written notice of any change in ownership, operator, or Power Purchase Agreement within thirty (30) days.

Sec. 16-410 - 16-420 Reserved